

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHRISTOPHER MARKS,

Plaintiff,

No. C 05-00255 JSW

v.

JET EQUIPMENT AND TOOL  
CORPORATION,

Defendant.

**ORDER GRANTING MOTION TO  
DISMISS FIFTH CAUSE OF  
ACTION AND GRANTING  
MOTION TO TRANSFER**

On January 25, 2005, Defendant WMH Tool Group, Inc., erroneously sued as Jet Equipment and Tool Corporation, filed a motion to dismiss the fifth cause of action for fraud and a motion to transfer. On April 21, 2005, Plaintiff filed a statement of non-opposition. Therefore, the Court HEREBY GRANTS Defendant's motion to dismiss the fifth cause of action for fraud and HEREBY GRANTS Defendant's motion to transfer the entire matter to the Eastern District of California, Sacramento Division. The hearing date of May 6, 2005 on Defendant's motion is HEREBY VACATED. The Clerk is directed to transfer this case, forthwith.

**IT IS SO ORDERED.**

Dated: April 25, 2005

/s/ Jeffrey S. White  
JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE